

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 786 OF 2022**

Harshal Subhashrao Timande

... Appellant

V/s.

The State of Maharashtra & Anr.

... Respondents

Ms. Vrushali L. Maindad for Appellant.

Mr. S.S. Hulke, A.P.P. for Respondent No.1-State.

Mr. Raviraj S. Gamare for Respondent No.2.

API Ms.Rekha Ghanvat, Ambernath Police Station.

**CORAM : A.S. GADKARI AND
MILIND N. JADHAV, JJ.****DATE : 26th September 2022.****PC. :**

1. Present Appeal is directed against the impugned Order dated 12th July 2022 rejecting the application of Appellant under Section 439 of Criminal Procedure Code (for short, "Cr.P.C.") prior to filing of chargesheet.

2. Learned A.P.P. on instructions submitted that, after completion of investigation, police have submitted Final Report under Section 173(2) of Cr.P.C. on 29th August 2022 before the learned Additional Sessions Judge, Kalyan.

3. In view of the said change in circumstance, learned Advocate for Appellant seeks leave to withdraw present Appeal with liberty to file a fresh

application for bail under Section 439 of Cr.P.C. before the Trial Court.

Leave and liberty granted.

4. Appeal is disposed off as withdrawn with aforesaid liberty.

5. It is needless to mention that, present Appeal is disposed off only on the ground of change in circumstances and this Court has not adjudicated issues involved in the present Appeal on its merits.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]

OMKAR
SHIVAHAR
KUMBHAKARN
Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date:
2022.09.28
13:37:34 +0530